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Democratic Republic of the Congo

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and of the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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I. Background and framework

A. Scope of international obligations[1]

International human rights treaties[2]

	Status during previous cycle	*Action after review*	*Not ratified/not accepted*
Ratification, accession or succession	ICERD (1976) ICESCR (1976) ICCPR (1976) CEDAW (1986) CAT (1996) CRC (1990) OP-CRC-AC (2001) OP-CRC-SC (2001)	OP-CAT (2010)	ICCPR-OP 2 ICRMW CRPD CPED
Reservations, declarations and/or understandings	–	–	–
Complaint procedures, inquiry and urgent action[3]	ICCPR-OP 1 (1976) CAT, art. 20 (1996)	OP-ICESCR (signature only, 2010)	ICERD, art. 14 OP-ICESCR ICCPR, art. 41 OP-CEDAW CAT, arts. 21 and 22 OP-CRC-IC ICRMW OP-CRPD CPED

Other main relevant international instruments

	Status during previous cycle	*Action after review*	*Not ratified*
Ratification, accession or succession	Convention on the Prevention and Punishment of the Crime of Genocide		Conventions on stateless persons[4]
	Rome Statute of the International Criminal Court (ICC)		UNESCO Convention against Discrimination in Education
	Palermo Protocol[5]		ILO Conventions Nos. 169 and 189[6]
	Geneva Conventions of 12 August 1949 and Additional Protocols I and II[7]		Additional Protocol III to the 1949 Geneva Conventions[8]
	Convention on refugees[9]		
	ILO fundamental conventions[10]		

1. In 2009, the Committee on Economic, Social and Cultural Rights (CESCR) urged the Democratic Republic of the Congo to consider ratifying CRPD, OP-CRPD, and OP-ICESCR.[11] In 2013, the Committee on the Elimination of Discrimination against Women

(CEDAW) encouraged the Government to ratify OP-CEDAW and to consider ratifying ICRMW and CPED.[12]

2. CESCR encouraged the Government to consider ratifying ILO Conventions Nos. 169,[13] 155[14] and 176.[15]

3. CEDAW urged the Government to consider ratifying the 2013 Arms Trade Treaty.[16]

4. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the United Nations country team (country team) reported that the Government had ratified the Optional Protocol to the Convention against Torture in 2010, but that the national preventive mechanism had not yet been set up.[17]

5. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that the Democratic Republic of the Congo accede to the Convention relating to the Status of Stateless Persons[18] and the Kampala Convention.[19]

B. Constitutional and legislative framework

6. OHCHR recommended that the Government adopt legislation on international crimes, including to implement the Rome Statute of the ICC.[20]

7. Welcoming the adoption of the Child Protection Code and the Presidential Decree which ordered the demobilization of all children from the Armed Forces,[21] in 2012 the Committee on the Rights of the Child (CRC) urged the Government to expedite the implementation of the Code.[22]

8. The country team drew attention to the fact that, in 2012, the Government and MONUSCO adopted the Plan of Action to Combat the Recruitment and Use of Children, and other Grave Violations of the Rights of the Child, by the Armed Forces and Security Services of the Democratic Republic of the Congo.[23]

9. The country team reported that the Act authorizing the accession of the Democratic Republic of the Congo to the Convention on the Rights of Persons with Disabilities and its Optional Protocol had been promulgated in 2013.[24]

10. The country team noted the adoption, in 2011, of laws on the organization and functioning of the Congolese National Police (PNC) and the Armed Forces of the Democratic Republic of the Congo (FARDC), and in 2013, on FARDC military regulations and PNC staff rules for career personnel.[25]

11. The country team added that, in 2012, the Senate had adopted the Parity Act, which provided for the establishment of a minimum quota of 30 per cent for women's representation in the institutions of the country.[26]

C. Institutional and human rights infrastructure and policy measures

12. OHCHR noted, in 2013, that the authorities had made significant efforts to advance human rights, including through the introduction of new policies and legislative changes.[27]

13. The country team indicated that the law providing for the establishment of the National Human Rights Commission (CNDH) had been promulgated in March 2013 but that its members had not yet been appointed. The country team added that the authorities needed to ensure that the selection and appointment of commissioners were in conformity with international standards.[28] OHCHR recommended that the Government provide the National Human Rights Commission with the appropriate financial and logistical capacity support.[29]

14. CRC urged the Government to ensure that its domestic legislation enabled it to establish and exercise universal jurisdiction over war crimes related to conscription, enlistment and use of children in hostilities.[30]

15. The country team reported that, owing to a lack of public funding, difficulties had been encountered in implementing the national gender policy and its plan of action, which had been adopted in 2009.[31]

16. The country team stressed that the bill on the protection of human rights defenders had been pending in the parliament since 2011 and that the unit for the protection of human rights defenders was very limited in its functioning, owing to its lack of powers and resources.[32]

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies[33]

1. Reporting status

Treaty body	*Concluding observations included in previous review*	*Latest report submitted since previous review*	*Latest concluding observations*	*Reporting status*
CERD	August 2007	–	–	Sixteenth to eighteenth reports overdue since 2011
CESCR	February 1988	–	November 2009	Fifth report overdue since June 2013
HR Committee	March 2006	–	–	Fourth report overdue since 2009
CEDAW	August 2006	2010	July 2013	Eighth report due in 2017
CAT	November 2005	–	–	Second to fourth reports overdue since 2009
CRC	January 2009	2009 (OP-CRC-AC)	January 2012 (OP-CRC-AC)	Third to fifth reports overdue since 2012 (CRC)/Initial report to OP-CRC-SC overdue since 2004

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

Treaty body	*Due in*	*Subject matter*	*Submitted in*
CERD	2008	Prosecution of perpetrators of sexual violence; rights of the Pygmies; and discrimination against the Pygmies[34]	Overdue since August 2008
HR Committee	2007	Measures to follow-up on Committee's recommendations on individual communications; follow-up on Views; investigation of human rights violations; reported enforced disappearances and orphans[35]	Overdue since 2007
CEDAW	2015	Violence against women in conflict-affected areas especially sexual violence; and withdrawal of discriminatory provisions against women[36]	–
CAT	2007	Incorporation of the Convention in the domestic legal order[37]	Overdue since 2007

Views

Treaty body	*Number of views*	*Status*
HR Committee	1[38]	Follow-up dialogue ongoing[39]

17. CEDAW regretted that the State had failed to submit the exceptional report, requested by the Committee in November 2013, on alleged rape and other forms of sexual violence perpetrated against women in the context of the conflict.[40]

B. Cooperation with special procedures[41]

	Status during previous cycle	*Current status*
Standing invitation	No	No
Visits undertaken	Human rights defenders	Summary executions
	Children and armed conflict	Foreign debt
	Internally displaced persons	
	Seven special procedures	
	Violence against women	
	Independence of judges and lawyers	
	Independent Expert on the Democratic Republic of the Congo	
Visits agreed to in principle	Summary executions	
Visits requested	Food	Truth, justice, reparation and guarantees of non-recurrence
Responses to letters of allegations and urgent appeals	During the period under review 22 communications were sent. The Government replied to three of them.	
Follow-up reports and missions	Seven special procedures, summary executions	

18. The special procedure mandate holders noted that the Government had responded to less than 7 per cent of the urgent appeals and allegation letters sent by the experts since March 2008.[42]

19. The mandate holders strongly recommended that the Government issue a standing invitation to all special procedure mandate holders.[43]

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

20. In 2010, a high-level panel convened by the United Nations High Commissioner for Human Rights met with victims of sexual violence[44] and outlined the stark situation of victims of sexual violence in the Democratic Republic of the Congo.[45]

21. Visiting the Democratic Republic of the Congo in 2013, the Deputy High Commissioner for Human Rights said that respect for human rights was key to stabilization succeeding in the country.[46]

III. Implementation of international human rights obligations

A. Equality and non-discrimination

22. CEDAW recommended that the Government withdraw the discriminatory provisions of the Family Code and adopt the draft Law on Gender Equality.[47] It also urged adopting provisions prohibiting polygamy, early marriage, female genital mutilation and levirate.[48] CESCR made similar recommendations.[49]

23. Seven special procedures mandate holders noted that discriminatory laws and practices and impunity remained root causes of violence against women.[50]

24. UNHCR underlined that a high percentage of Congolese children did not have birth certificates, which was a critical issue for returnees, refugees and IDP children, as they were unable to provide any proof of identity or secure any of their rights.[51] It recommended that the Government ensure the birth registration of all children born in the country without discrimination and the provision of late birth registration free of charge.[52] CRC[53] and CESCR made related recommendations.[54]

B. Right to life, liberty and security of the person

25. The country team recalled that, during the first UPR, the Government had pledged to abolish the death penalty and that a preliminary bill on the abolition of the death penalty had been rejected by the National Assembly in 2010. The country team added that the de jure abolition of the death penalty should be put into effect.[55]

26. In 2010, OHCHR stated that numerous human rights violations, including summary executions, rapes, arbitrary arrests and detentions, torture and cruel, inhuman or degrading treatment of civilians, had been committed by FARDC and PNC.[56] The country team stressed that, since 2011, the United Nations Joint Human Rights Office (UNJHRO) had observed an increase in the number of cases of violations of the right to life, which were committed primarily by agents of the national security or defence forces, or by elements of armed groups in the eastern part of the country.[57]

27. OHCHR noted that, since April 2012, the majority of the human rights violations documented by the United Nations Joint Human Rights Office (UNJHRO) had been related to the activities of the Mouvement du 23 mars (M23). M23 had committed gross human rights violations and serious violations of international humanitarian law,[58] as had other armed groups, such as the Democratic Liberation Forces of Rwanda (FDLR) and the Lord's Resistance Army (LRA), operating in the eastern region of the country.[59]

28. OHCHR underlined that those various Congolese and foreign armed groups had been seeking to extend their influence and control over areas rich in natural resources. In that context, killings, enforced disappearances, ill-treatment and rape were often committed as part of systematic attacks on villages and their civilian populations, which might amount to crimes against humanity.[60]

29. The HR Committee recommended that the Government investigate, prosecute and punish all acts of extrajudicial killing and summary execution and grant appropriate reparations to victims or their families.[61]

30. The Special Rapporteur on extrajudicial, summary or arbitrary executions recommended that the Government make clear that killings by private actors, whether against alleged "witches" or criminals, would not be tolerated and that such killings be investigated and punished.[62]

31. The country team pointed to the widespread use of torture by the national defence and security forces (PNC, FARDC and National Intelligence Agency).[63]

32. OHCHR stated in 2010 that detainees in custody were still frequently subjected to torture, which often resulted in the death of or serious injury to the detainee.[64] The Special Rapporteur on extrajudicial, summary or arbitrary executions recommended that prison officials record the details of any deaths in prisons and regularly report to the Ministry of Justice.[65]

33. OHCHR noted that, although the law penalizing torture had been adopted, the consistent application thereof remained a significant challenge, given the lack of capacity and the need to train penitentiary, judicial and security personnel.[66]

34. The country team drew attention to the worrying conditions of detention and to the increasing number of deaths in prison, which were due to prison overcrowding, malnutrition, the lack or absence of medical care and inadequate budgets. It also noted that the conditions of detention and shortage of prison personnel were the underlying causes of riots and breakouts.[67] CESCR urged the Government to allocate the necessary funds to improve the conditions of detention and close all illegal detention facilities.[68]

35. The country team encouraged the Government to establish a special team within the Ministry of Justice that would include international staff members in order to prevent arbitrary detentions and to look for ways to improve the situation of prisoners.[69]

36. OHCHR recalled the recommendations made to the Government to ensure that the police remained the primary law enforcement agency and that it grant UNJHRO and other independent mechanisms free access to all places of detention.[70]

37. UNHCR stated that the National Strategy to Combat Gender-based Violence had yet to provide meaningful results. It also stated that sexual gender-based violence was prevalent across the country and had risen at an alarming rate in the east.[71] UNHCR recommended that the Government take adequate measures to reduce and eradicate incidents of sexual gender-based violence committed by armed elements and establish and strengthen accountability mechanisms.[72]

38. UNJHRO stated that mass rapes had been committed by FARDC in Minova in November 2012, by M23 members in Goma in November and December 2012 and by Mai Mai Simba/Lumumba combatants in June and November 2012.[73] According to OHCHR, those incidents demonstrated how rape had been used as a weapon of war to intimidate populations.[74]

39. CEDAW was deeply concerned at the prevalence of rape and other forms of sexual violence, incest, sexual harassment and domestic violence, acts of torture of women and girls accused of being witches and acts of sexual violence against women detainees.[75] It urged the Government to implement a "zero tolerance" policy, prosecute all acts on violence against women and provide compensation, assistance and rehabilitation to victims.[76]

40. The country team noted that, with the support of the United Nations, the Government had set up special police units for the protection of women and children and had organized training in the prevention of sexual violence for members of the FARDC and PNC.[77]

41. The Secretary-General noted that an alarming number of reports of grave violations of children's rights had been documented, including killing and maiming, child recruitment, sexual violence and occupation of schools.[78]

42. CESCR expressed its deep concern that children were sexually and economically exploited on a massive scale and recommended that the Government fully implement the Child Protection Code.[79]

43. While welcoming the release of tens of thousands of children from the rank of the Armed Forces and armed groups in the previous eight years, CRC urged the Government to provide the National Implementation Unit for the National Disarmament, Demobilization and Reintegration Programme and all State agencies involved with the necessary resources to provide assistance to all former child soldiers.[80]

44. CRC expressed deep concern that children captured by FARDC had been treated primarily as perpetrators rather than victims, unlawfully detained and ill-treated, and that a number of them had been judged by military courts and, sometimes, sentenced to death or to life imprisonment.[81]

45. Expressing its deep concern at the allegations that children were used, especially by certain elements of FARDC, for the extraction of minerals in conditions similar to slavery, the ILO Committee of Experts on the Application of Conventions and Recommendations (ILO Committee of Experts) urged the Government to eliminate the forced labour of children in mines.[82]

46. The ILO Committee of Experts firmly requested that the Government ensure that the National Committee to Combat the Worst Forms of Child Labour was operational and that it formulated the national strategy on the abolition of child labour.[83]

47. Concerned that men, women and children were abducted by armed groups and by FARDC, CESCR urged the Government to criminalize all forms of human trafficking and convict perpetrators.[84] The ILO Committee of Experts also urged the Government to ensure the elimination of the sale and trafficking of children for sexual exploitation.[85]

48. CESCR expressed deep concern that persons with albinism had been killed and their organs used or trafficked for witchcraft ceremonies. It urged the Government to ensure the conduct of investigations and prosecution of those responsible, and apply itself to combating the discrimination against persons with albinism.[86]

C. Administration of justice, including impunity, and the rule of law

49. CESCR expressed deep concern at the state of the justice system, characterized by a severe shortage of judges, a lack of adequate resources, political and military interference and high levels of corruption. It urged the Government to build an independent, efficient, adequately resourced and accountable justice system and exercise greater political will in fighting impunity.[87] CEDAW raised similar concerns and recommendations.[88]

50. The High Commissioner for Human Rights stated that, despite progress in prosecuting some high-profile perpetrators, the criminal justice system remained structurally weak and the lack of independence of the judiciary continued to be observed, in particular when dealing with cases of political opponents and members of civil society.[89]

51. The country team noted that proceedings had been initiated in the military courts against perpetrators of international crimes but that these mostly concerned low-ranking members of the army or police.[90]

52. The joint report of the special procedures highlighted that reforms of the justice and security sectors had not advanced enough and efforts undertaken were undermined by a

lack of will to implement a "zero tolerance" policy against certain influential individuals suspected of serious human rights violations.[91]

53. The country team underscored the establishment of the Supreme Council of Justice, the adoption of measures for dismissing judges implicated in criminal matters or involved in corruption and the recent establishment of children's courts.[92]

54. The Special Rapporteur on summary executions stressed that the Government should investigate, arrest, and prosecute FARDC members responsible for abuses, including Colonel Sultani Makenga, Colonel Innocent Zimurinda, Colonel Bernard Byamungu and Lieutenant Colonel Salumu Mulenda. He added that senior leaders of FDLR based outside the country should be investigated for their role in war crimes and crimes against humanity in the Democratic Republic of the Congo.[93]

55. OHCHR noted that detainees were commonly denied the right to appear before a judge within the 48-hour period required and that that practice had led to the proliferation of *hébergés*, inmates who were detained without officially being charged.[94]

56. OHCHR underlined that very few of the human rights violations during the 2011 elections had resulted in an investigation or prosecution.[95]

57. CRC noted with deep concern that none of the perpetrators of recruitment of children had been convicted and that there was impunity for the most horrific forms of sexual violence and abuses of women and children.[96] Other treaty bodies raised similar concerns.[97]

58. Although the OHCHR mapping report[98] recommended a holistic approach to transitional justice, including tools for vetting the security services for their human rights records, and judicial and non-judicial transitional justice mechanisms, OHCHR stated that the Government had not identified the steps that it needed to take to that end.[99]

59. OHCHR recommended that the Government establish a vetting mechanism to ensure that those responsible for gross human rights violations were removed from the army and recalled that the authorities had committed to do so during the previous UPR.[100] The Security Council also called on the Government to implement such a mechanism.[101]

60. OHCHR noted some positive developments in the fight against impunity, including the conviction of FARDC officers who had deserted the army and had extensive records of human rights violations, and the surrender to the ICC of General Bosco Ntaganda.[102] It added that judicial investigations were also ongoing against Mai Mai Simba/Lumumba combatants.[103]

61. The country team stressed that the Government had recently reiterated its intention not to grant amnesty to perpetrators of violations of human rights or international humanitarian law.[104]

62. Noting with concern that corruption remained endemic, CESCR urged the Government to adopt strong, efficient and time-framed measures to promote good governance and combat corruption.[105]

D. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

63. OHCHR mentioned that, of the human rights violations documented against political party members, journalists and human rights defenders during the 2011 elections period, the fundamental freedoms of expression and assembly and right to liberty and security had been most affected.[106]

64. The country team pointed out that incidents of intimidation, death threats, arbitrary arrests and other human rights violations committed against human rights defenders and journalists by State officials and armed groups were still being registered.[107]

65. UNESCO noted that the Director General of UNESCO had condemned the killings of three journalists and called on the Government to inform it of the actions taken to prevent the impunity of the perpetrators, although it stated that so far, no information had been provided.[108]

66. UNESCO encouraged the Government to decriminalize defamation and place it under the Civil Code,[109] begin introducing a law on freedom of information and further develop self-regulatory mechanisms of the media.[110]

67. OHCHR recalled that, during the previous UPR, it had been recommended that the Government develop a legal framework to ensure the security of journalists, human rights defenders, members of civil society and political opposition. It had also been recommended that they be permitted to exercise freely their rights to freedoms of expression, association and peaceful assembly, in accordance with international standards.[111]

68. Seriously concerned that human rights defenders were exposed to arbitrary detention threats and attacks by Government security, police forces and armed groups, CESCR urged the Government to end that ongoing harassment and persecution and to prosecute those responsible.[112] The special procedure mandate holders[113] and CRC raised similar concerns.[114] OHCHR added that the murder of Mr. Floribert Chebeya in 2010 attested to the seriousness of the attacks on human rights defenders.[115]

E. Right to work and to just and favourable conditions of work

69. Expressing concern at the situation of thousands of artisanal miners who worked in harsh conditions, CESCR called upon the Government to adopt a clear strategy, with the participation of trading companies, to prevent accidents in mines.[116]

70. OHCHR stated that the activities of the mining trading centres, established by the Government to ensure the traceability of minerals, had been suspended in 2012 owing to insecurity and the rivalry between holders of mining titles and artisanal miners. According to OHCHR, the Government had yet to put in place an effective system that would allow for the certification of origin and ensure the traceability of minerals, as well as regularize the working conditions of artisanal miners.[117]

71. OHCHR noted that the unregulated natural resource economy had been the primary recruiter and exploiter of labour in the country and that employees of social services that were supposed to protect labour rights often sacrificed the rights of workers through corruption.[118]

72. The ILO Committee of Experts urged the Government to ensure equality of treatment of Bambuti, Batwa and Bacwa in employment and the enjoyment of their right to engage in their traditional occupations and livelihoods without discrimination.[119]

73. Expressing concern about the numerous cases of harassment, arrest and detention of trade union officials and the obstruction of trade union activities in certain enterprises, CESCR urged the Government to investigate anti-trade union actions and ensure freedom to form and join trade unions.[120]

F. Right to social security and to an adequate standard of living

74. CESCR noted with grave concern that 75 per cent of the population lived in extreme poverty, that 83 per cent of the population had no access to safe drinking water, 70 per cent had no access to hygienic sanitation facilities and only 1 per cent had access to electricity. It recommended that the Government allocate sufficient funds for the implementation of its poverty reduction strategy and ensure that international development aid was utilized for the realization of the right to an adequate standard of living.[121]

75. Stating that the standard of living of the Congolese people hardly corresponded to the country's natural wealth, OHCHR explained the situation by inadequacies in the management of revenue from natural wealth, bad governance and the illegal exploitation of natural resources.[122]

76. Seven thematic special procedures stressed that the lack of transparent and effective Government control over the mining sector deprived the State of funds that it could dedicate to meeting its responsibilities with regard to social and economic rights.[123]

77. Expressing concern at the high level of acute and chronic malnutrition and the vulnerability of the population to food shortages in spite of the country's impressive agricultural potential, CESCR urged the Government to achieve food and nutrition security according priority to the agricultural sector.[124]

78. OHCHR noted that, owing to the chronic underpayment of civil servants, corruption practices had taken root, compromising State efficiency in realizing economic and social rights.[125]

79. The Independent Expert on the effects of foreign debt recommended that the Government ensure that public enterprise reform and its efforts to broaden the tax base did not compromise the enjoyment of all human rights, particularly economic, social and cultural rights.[126]

80. CESCR urged the Government to speed up the process of adoption of a social security code and the establishment of a sustainable social security system.[127]

81. CESCR urged the Government to adopt a national housing policy that would upgrade poor urban settlements and ensure security of tenure; ensure that persons forcibly evicted from their properties be provided with adequate compensation and/or offered relocation; and guarantee that relocation sites were provided with basic services.[128]

G. Right to health

82. In 2009, CESCR was deeply concerned that 4 million people had died since the conflict had begun, that most deaths were caused by preventable and treatable illnesses and that most of the health districts were no longer functioning, leaving 37 per cent of the population totally deprived of any form of health care. It urged the Government to fulfil its commitment to allocate 15 per cent of its budget to building a sustainable health system.[129]

83. OHCHR stated that, in the east of the country, the widespread looting of health clinics, the arbitrary obstruction of humanitarian convoys and the flight of medical workers had aggravated the situation.[130]

84. The country team noted the efforts being made to care for victims of sexual violence, to increase the provision of emergency obstetric and neonatal care and to train midwives. It also noted that a plan of action on reproductive health, gender and population, and a law on maternal health, had been adopted. The country team indicated that, on the

other hand, the share of the budget allocated to the health sector had dropped from 7.83 per cent in 2012 to 3.95 per cent in 2013.[131]

85. CEDAW called upon the Government to ensure the effective implementation of the national strategy to combat maternal and infant mortality; increase access for women and girls to basic health-care services; remove punitive legislative provisions imposed on women who underwent abortion; and improve availability of and access to HIV/AIDS services.[132]

H. Right to education

86. While welcoming the free and compulsory primary education policy, CEDAW remained concerned about its insufficient implementation.[133] It recommended that the Government allocate adequate funding for education to increase the number of schools and teachers, improve the quality of teaching and school infrastructure and ensure de facto equal access of girls to all levels of education.[134]

87. UNESCO noted that there were no schools that provided free education and that most parents could not afford the high cost of tuition.[135]

88. UNESCO also underscored that vulnerable and disadvantaged groups did not enjoy the right to education for various reasons such as early marriage, poverty, living too far away from schools and the high cost of education for children with disabilities.[136]

89. UNESCO suggested that the Government could be encouraged to consider adopting legal provisions to ensure that primary education was free and compulsory for all children without discrimination.[137]

90. CRC recommended that the Government ensure the provision of human rights education and peace education for all children in schools.[138]

I. Persons with disabilities

91. Noting with concern that most adults with disabilities had to resort to begging, CESCR urged the Government to adopt anti-discrimination legislation that provides persons with disabilities with social-policy programmes.[139]

J. Minorities and indigenous peoples

92. Deeply concerned at the negative effect of the systematic and abusive exploitation of forest resources on the way of life of numerous indigenous peoples, CESCR recommended that the Government adopt legislation and measures to recognize the status of Pygmies and other indigenous peoples, in order to protect their ancestral lands as well as their own cultural identity.[140]

93. Expressing deep concern that, in war zones, Pygmies were subjected to mass rapes, extermination and persecution, CESCR urged the Government to ensure that racial discrimination is criminalized as a specific offence.[141] CEDAW recommended that the Government ensure that Pygmy women had access, without discrimination, to basic services and to land.[142]

K. Migrants, refugees and asylum seekers

94. UNHCR stated that, as of June 2013, the total number of asylum seekers and refugees registered in the country amounted to 183,675 persons and that women and girls accounted for approximately 51 per cent of the refugee population.[143]

95. UNHCR noted that asylum seekers still experienced a significant delay in the assessment of their claims and that many refugees continued to face difficulties in assessing their rights.[144] It recommended that the Government process refugee claims within a reasonable time frame and raise awareness on the issue of refugee identity documents to facilitate their acceptance.[145]

96. UNHCR estimated that the Democratic Republic of the Congo hosted nearly 800,000 refugee returnees and internally displaced returnees and noted that the return of forcibly displaced persons had not always been durable, especially owing to security concerns.[146] UNHCR recommended that the Government continue raising international support for the implementation of reintegration programmes and create suitable conditions for the durable return of forcibly IDPs and refugees.[147]

L. Internally displaced persons

97. UNHCR stated that there were an estimated 2.6 million internally displaced persons (IDPs) and there was no comprehensive legal system in place to regulate their protection and assistance.[148] It underlined that their situation was critical, particularly in the Kivus (65 per cent of the total of the IDPs[149]) and some had been displaced several times, with no durable solution in sight.[150]

98. CESCR expressed concern at the precarious situation of the IDPs who rely exclusively on assistance provided by international humanitarian organizations. It noted with deep concern that they were regularly victims of gross human rights and humanitarian law violations committed by all factions engaged in the fighting, including FARDC. It urged the Government to assume its obligations to protect them and respond to their needs.[151]

99. OHCHR underlined the plight of IDPs, who lived in absolute poverty without access to sufficient food, drinking water or health care was particularly worrying.[152]

M. Right to development and environmental issues

100. Expressing concern at the numerous cases of peasants expelled from their land owing to mining operations, CESCR called upon the Government to urgently launch a consultation process with a view to revising the current land law and securing land tenure.[153]

101. Concerned that illicit trade of wood and abusive exploitation of forests adversely affected the ecology and biodiversity, CESCR urged the Government to enforce the moratorium on concessions.[154]

102. Concerned that the illegal exploitation and mismanagement of the natural resources continued with the involvement of foreign companies, CESCR recommended that the Government review all mining contracts and repeal any that are detrimental to the Congolese people; adopt measures to control the export of minerals and impose drastic sanctions on those involved in the illicit trade of natural resources. It also recommended that the Government ensure that revenues derived from natural resources are used to improve basic services and infrastructure so that living conditions may be improved.[155]

Notes

[1] Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found on the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://treaties.un.org/. Please also refer to the United Nations compilation on the Democratic Republic of the Congo from the previous cycle (A/HRC/WG.6/6/COD/2).

[2] The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CPED	International Convention for the Protection of All Persons from Enforced Disappearance

[3] Individual complaints: ICCPR-OP 1, art. 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art. 5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.

[4] 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[6] International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No. 189 concerning Decent Work for Domestic Workers.

[7] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[8] Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[9] 1951 Convention relating to the Status of Refugees and its 1967 Protocol.

[10] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[11] Concluding observations of the Committee on Economic, Social and Cultural Rights on the Democratic Republic of Congo, E/C.12/COD/CO/4, paras. 18 and 38.

[12] Concluding observations of the Committee on the Elimination of Discrimination against Women on the Democratic Republic of Congo, CEDAW/C/COD/CO/6-7, paras. 41 and 45.

[13] International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

[14] International Labour Organization Convention No. 155 concerning Occupational Safety and Health.

[15] International Labour Organization Convention No 176 concerning Safety and Health in Mines. E/C.12/COD/CO/4, paras. 14 and 22.

[16] CEDAW/C/COD/CO/6-7, para. 10 (h).

[17] UNCT submission to the UPR of the Democratic Republic of the Congo, p. 4. See also report of the United Nations High Commissioner for Human Rights on the situation of human rights and the activities of her Office in the Democratic Republic of the Congo, A/HRC/24/33, para. 60.

[18] UNHCR submission to the UPR of the Democratic Republic of the Congo, p. 4. See also CEDAW/C/COD/CO/6-7, para. 36 (c).

[19] African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. UNHCR submission, p. 3.

[20] A/HRC/24/33, para. 60.

[21] Concluding observations of the Committee on the Rights of the Child under OPAC on the Democratic Republic of Congo, CRC/C/OPAC/COD/CO/1, para. 7.

[22] Ibid., para. 35.

[23] UNCT submission, p. 6. See also «La MONUSCO et ses partenaires lancent un Plan d'action nationale en faveur des enfants», 8 February 2013, available from monusco.unmissions.org/Default.aspx?ctl=Details&tabid=11192&mid=14306&ItemID=19607.

[24] UNCT submission, p. 2.

[25] Ibid., p. 7.

[26] Ibid., pp. 1-2.

[27] A/HRC/24/33, para. 2.

[28] UNCT submission, p. 11.

[29] A/HRC/24/33, para. 60.

[30] CRC/C/OPAC/COD/CO/1, para. 37.

[31] UNCT submission, p. 2.

[32] UNCT submission, p. 10. See also A/HRC/24/33, para. 34.

[33] The following abbreviations have been used for this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR	Committee Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child

[34] Concluding observations of CERD on the Democratic Republic of the Congo, CERD/C/COD/CO/15, para. 27.

[35] Concluding observations of CCPR on the Democratic Republic of the Congo, CCPR/C/COD/CO/3, para. 28.

[36] CEDAW/C/COD/CO/6-7, para. 46.

[37] Conclusions and recommendations of CAT on the Democratic Republic of Congo, CAT/C/DRC/CO/1, para. 17.

[38] Communication No. 1483/2006, *Basongo Kibaya* v. *Democratic Republic of the Congo*, Views adopted on 30 July 2009, A/60/40 (Vol. II) (Supp.).
[39] Ibid., para. 9.
[40] CEDAW/C/COD/CO/6-7, para. 4.
[41] For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
[42] Third joint report of seven United Nations experts on the situation in the Democratic Republic of the Congo, A/HRC/16/68, para 14 (the mandate holders were: the Special Rapporteur on violence against women, its causes and consequences, the Representative of the Secretary-General on human rights of internally displaced persons, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the situation of human rights defenders, the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises and the Special Representative of the Secretary-General for children and armed conflict).
[43] Second joint report of seven United Nations experts on the situation in the Democratic Republic of the Congo, A/HRC/13/63, para 116. See also A/HRC/24/33, para. 60.
[44] Press release, "UN High Level panel to hear from victims of sexual violence in Democratic Republic of the Congo", Kinshasa and Geneva, 29 September 2010.
[45] Press Release, "UN report outlines stark situation of victims of sexual violence in DR Congo", Kinshasa and Geneva, 3 March 2011. See also *Rapport du Panel à la Haut-Commissaire aux Droits de l'Homme sur les moyens de recours et de réparation pour les victimes de violences sexuelles en République Démocratique du Congo* (2011).
[46] Press release, "Respect for human rights key to stabilization succeeding in DRC, says top UN human rights official", Kinshasa and Geneva, 28 August 2013.
[47] CEDAW/C/COD/CO/6-7, paras. 38 and 14. See also UNCT submission, p. 2.
[48] CEDAW/C/COD/CO/6-7, para. 20.
[49] E/C.12/COD/CO/4, para. 20. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Democratic Republic of the Congo, adopted 2012, published 102nd ILC session (2013). Available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3087379.
[50] A/HRC/13/63, para 109.
[51] UNHCR submission, p. 4.
[52] Ibid., p. 5.
[53] CRC/C/OPAC/COD/CO/1, para. 27.
[54] E/C.12/COD/CO/4, para. 35.
[55] UNCT submission, p. 3.
[56] Report of the United Nations High Commissioner for Human Rights on the situation of human rights and the activities of her Office in the Democratic Republic of the Congo, A/HRC/13/64, para. 2.
[57] UNCT submission, p. 3.
[58] A/HRC/24/33, para. 3.
[59] A/HRC/13/64, para. 3.
[60] A/HRC/24/33, para. 3. See also report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2013/96, para. 45.
[61] CCPR/C/COD/CO/3, para. 10. See also A/HRC/24/33, para. 10.
[62] Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions on his mission to the Democratic Republic of the Congo, A/HRC/14/24/Add.3, para 115.
[63] UNCT submission, p. 3. See also A/HRC/24/33, para. 15.
[64] A/HRC/13/64, para. 13.
[65] A/HRC/14/24/Add.3, para 112.
[66] A/HRC/19/48, para. 14.
[67] UNCT submission, p. 4. See also report of the United Nations Joint Human Rights Office (MONUSCO-OHCHR) on Deaths in Detention Centres in the Democratic Republic of the Congo, March 2013 p. 4; report of the United Nations High Commissioner for Human Rights on the situation

of human rights and the activities of her Office in the Democratic Republic of the Congo, A/HRC/16/27 and Corr.1 (French only), paras 16–17, and A/HRC/13/64 and Corr.1, paras. 10–12.

[68] E/C.12/COD/CO/4, para. 32.

[69] UNCT submission, pp. 4-5. See also report of the Working Group on the Universal Periodic Review on the Democratic Republic of the Congo, A/HRC/13/8, para. 96 (6).

[70] A/HRC/24/33, para. 18. See also CAT/C/DRC/CO/1, para. 10; CCPR/C/COD/CO/3, para. 19; and A/HRC/13/8, paras. 97 (1) and (3).

[71] UNHCR submission, p. 6. See also UNCT submission to the UPR of the Democratic Republic of the Congo, p. 5.

[72] UNHCR submission, p. 7.

[73] A/HRC/24/33, para. 24. See also A/HRC/19/48, para. 16; report of the Secretary-General on sexual violence in conflict, A/67/792-S/2013/149, para. 39; and the report of the United Nations Joint Human Rights Office on human rights violations perpetrated by soldiers of the Congolese Armed Forces and combatants of the M23 in Goma and Sake, North Kivu province, and in and around Minova, South Kivu province, from 15 November to 2 December 2012, May 2013 ("the UNJHRO report", available from www.ohchr.org/Documents/Countries/ZR/UNJHROMay2013_en.pdf).

[74] A/HRC/24/33, para. 24. See also the report of the UNJHRO report.

[75] CEDAW/C/COD/CO/6-7, para. 21.

[76] Ibid., para. 22.

[77] UNCT submission, pp. 5 and 6.

[78] S/2013/96, para. 53. See also report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2013/388, paras. 52–53.

[79] E/C.12/COD/CO/4, para. 28.

[80] CRC/C/OPAC/COD/CO/1, paras. 44 and 45.

[81] CRC/C/OPAC/COD/CO/1, para. 46.

[82] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182) – Democratic Republic of the Congo, adopted 2011, published 101st ILC session (2012). Available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700615.

[83] ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Requests concerning ILO Minimum Age Convention, 1973 (No. 138) – Democratic Republic of the Congo, adopted 2012, published 102nd ILC session (2013). Available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3084220.

[84] E/C.12/COD/CO/4, para. 26. See also CEDAW/C/COD/CO/6-7, para. 24.

[85] ILO Committee of Experts on the Application of Conventions and Recommendations, Direct request concerning ILO Worst Forms of Child Labour Convention, 1999 (No. 182) – Democratic Republic of the Congo, adopted 2011, published 101st ILC session (2012). Available fromwww.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2700616.

[86] E/C.12/COD/CO/4, para. 19. See also OHCHR report on persons with albinism, A/HRC/24/57, paras. 35 and 39.

[87] E/C.12/COD/CO/4, para. 10.

[88] CEDAW/C/COD/CO/6-7, paras. 11 and 12.

[89] A/HRC/24/33, para. 58.

[90] UNCT submission, p. 8.

[91] A/HRC/13/63, para. 108.

[92] UNCT submission, p. 9.

[93] A/HRC/14/24/Add.3, para. 109.

[94] A/HRC/13/64 and Corr.1, para. 6.

[95] A/HRC/24/33, para. 38. See the UNJHRO report.

[96] CRC/C/OPAC/COD/CO/1, para. 38.

[97] E/C.12/COD/CO/4, para. 25; CEDAW/C/COD/CO/6-7, para. 9.

[98] See the report of the mapping exercise documenting the most serious violations of human rights and international humanitarian law committed within the territory of the Democratic Republic of the Congo between March 1993 and June 2003, August 2010. Available from http://www.ohchr.org/en/countries/africaregion/Pages/rdcProjetmapping.aspx.

[99] A/HRC/24/33, para. 52.

[100] A/HRC/19/48, para. 56. See also A/HRC/24/33, para. 60 (b).
[101] Security Council resolutions 1906 (2009), para. 32, and 1991 (2011), para. 16.
[102] A/HRC/24/33, para. 48. See also S/2013/388, para. 47.
[103] A/HRC/24/33, para. 48.
[104] UNCT submission, p. 8.
[105] E/C.12/COD/CO/4, para. 11.
[106] A/HRC/19/48, para. 2.
[107] UNCT submission, p. 9. See also A/HRC/16/27 and Corr.1 (French only), para. 43 and A/HRC/13/64 and Corr.1, para. 34.
[108] UNESCO submission to the UPR of the Democratic Republic of the Congo, para. 20.
[109] Ibid., para. 29.
[110] Ibid., para. 30.
[111] A/HRC/24/33, para. 30.
[112] E/C.12/COD/CO/4, para. 12.
[112] A/HRC/13/63, para 114.
[114] CRC/C/OPAC/COD/CO/1, paras. 40-41.
[115] A/HRC/16/27 and Corr.1 (French only), para. 6.
[116] E/C.12/COD/CO/4, para. 22.
[117] A/HRC/24/33, para. 44.
[118] A/HRC/13/64 and Corr.1, para. 25.
[119] ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Democratic Republic of the Congo, adopted 2012, published 102nd ILC session (2013).
[120] E/C.12/COD/CO/4, para. 23. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Observation concerning ILO Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) – Democratic Republic of the Congo, adopted 2011, published 101st ILC session (2012). Available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_iD:2698672.
[121] E/C.12/COD/CO/4, para. 29.
[122] A/HRC/16/27 and Corr.1 (French only), paras. 33–34.
[123] A/HRC/13/63, p. 2.
[124] E/C.12/COD/CO/4, para. 30.
[125] A/HRC/19/48, para. 29.
[126] Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, on his mission to the Democratic Republic of the Congo, A/HRC/20/23/Add.2, para. 85.
[127] E/C.12/COD/CO/4, para. 24.
[128] Ibid., para. 31.
[129] Ibid., para. 34.
[130] A/HRC/13/64 and Corr.1, para. 27.
[131] UNCT submission, p. 11.
[132] CEDAW/C/COD/CO/6-7, para. 32.
[133] Ibid., para. 27 (b).
[134] Ibid., para. 28.
[135] UNESCO submission, paras. 6 and 7.
[136] Ibid.o, para. 10.
[137] Ibid., para. 23. See also ILO Committee of Experts on the Application of Conventions and Recommendations, Direct Requests concerning ILO Minimum Age Convention, 1973 (No. 138) – Democratic Republic of the Congo, adopted 2012, published 102nd ILC session (2013). Available from www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3083532.
[138] CRC/C/OPAC/COD/CO/1, para. 29.
[139] E/C.12/COD/CO/4, para. 18.
[140] Ibid., para. 36.
[141] Ibid., para. 17.
[142] CEDAW/C/COD/CO/6-7, para. 36 (a).

[143] UNHCR submission, p. 1.
[144] Ibid., p. 2.
[145] Ibid., p. 3.
[146] Ibid., p. 6.
[147] Ibid., p. 6.
[148] Ibid., p. 3.
[149] Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, S/2013/581, para. 28.
[150] UNHCR submission, p. 3. See also A/HRC/24/33, para. 5.
[151] E/C.12/COD/CO/4, para. 33.
[152] A/HRC/13/64 and Corr.1, para. 27.
[153] E/C.12/COD/CO/4, para. 15.
[154] Ibid., para. 14.
[155] Ibid., para. 13.